

UNITED STATES DISTRICT COURT
PROBATION OFFICE
DISTRICT OF NEW JERSEY

CHRISTOPHER MALONEY
CHIEF PROBATION OFFICER

June 1, 2010

WILFREDO TORRES
SENIOR DEPUTY CHIEF PROBATION OFFICER

DEPUTY CHIEF PROBATION OFFICER
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The Honorable John C. Lifland
U. S. District Court Judge
Martin Luther King Jr. Building & Federal Courthouse
PO Box 0999
Newark, New Jersey 07101-0999

Re: Nicklous, Yaniro

Dkt.#: 02-880-01

Request for Modification of Conditions of
Supervised Release with Consent of Offender

Dear Judge Lifland:

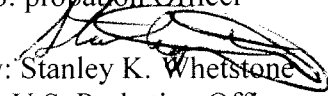
On March 29, 2007, the above -named offender was sentenced on charges of coercion and enticement of a minor female, and coercion of a female. He received a fifty seven months custody, followed by three years supervised release. Special conditions imposed were: the offender only for the purposes of employment and communicating with his family shall be able to possess, procure purchase or otherwise obtain access to any form of computer network, bulletin board, internet or exchange format involving computers. Any dispute as to applicability of this condition shall be decided by the Court, follow the directions of the U.S. Probation Office regarding any contact with non-familial children of either sex under the age of 18, and such contact shall be supervised by an adult who is familiar with the offender's convictions. A \$200 special assessment was also imposed.

On March 11, 2010, the Eastern District of New York received Mr. Nicklous's pre-release plan from the Bureau of Prisons reflecting that the offender is requesting to reside with his family in their district. A home inspection was conducted and found acceptable. Prior to approving the pre-release plan the Eastern District of New York request the special conditions of supervision be modified to include computer/internet monitoring, a search condition, participation in a sex offender treatment program, and a polygraph examination. Mr. Nicklous consented to the modifications by signing the attached, Form 49, Waiver of Hearing.

Based on this information, our office has enclosed a Form12B, requesting that the Court sign the enclosed document, if in agreement.

If further information is needed, please contact the undersigned officer at 973-223-0694.

Christopher Maloney, Chief
U.S. Probation Officer

By: 
Stanley K. Whetstone
U.S. Probation Officer

PROB 12B
(7/93)

United States District Court
for

District of New Jersey

Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Nicklous, Yaniro

Cr.: 02-880-001
PACTS Number: 33418

Name of Sentencing Judicial Officer: Honorable John C. Lifland

Date of Original Sentence: 3/29/07

Original Offense: Coercion or enticement of minor female and coercion or enticement of a female.

Original Sentence: Fifty seven months custody, three years supervised release, the offender only for the purposes of employment and communicating with his family shall be able to possess, procure, purchase or otherwise obtain access to any form of computer network, bulletin board, internet, or exchange format involving computers. Any dispute as to the applicability of this condition shall be decided by the court, the offender shall follow the directions of the U.S. Probation Office regarding any contact with non-familial children of either sex under the age of 18, and such contact shall be supervised by an adult who is familiar with offender's conviction and with permission of the U.S. probation Office or the court.

Type of Supervision: Supervised ReleaseDate Supervision Commenced: Pending

PETITIONING THE COURT

- [] To extend the term of supervision for Years, for a total term of Years.
[X] To modify the conditions of supervision as follows. The addition of the following special condition(s):

The defendant shall submit to an initial inspection by the probation office, and to any unannounced examinations during supervision, of the defendant's computer equipment. The defendant shall allow the installation on the defendant's computer of any hardware or software systems which monitor computer use. The defendant shall abide by the standard conditions of computer monitoring that have been adopted by this court.

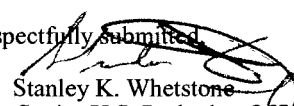
The defendant shall submit to an initial polygraph examination and subsequent maintenance testing, at intervals to be determined by the probation officer, to assist in treatment, planning, and case monitoring. The defendant will be required to contribute to the costs of services rendered in an amount to be determined by the probation officer, based on ability to pay or availability of third-party payment.

The defendant shall submit his person, residence, place of business, vehicle or any other premises under his control to a search on the basis that the probation officer has reasonable belief that contraband or evidence of a violation of the conditions of release may be found. The search must also be conducted in a reasonable manner and at a reasonable time; failure to submit to a search may be grounds for revocation and the defendant shall inform any other resident that the premisses may be subject to search pursuant to this condition.

CAUSE

The offender is agreement with his special conditions being modified and has signed the Form 49, Waiver of a hearing.

Respectfully submitted,

By: 
Stanley K. Whetstone
Senior U.S. Probation Officer
Date: 5/19/10

THE COURT ORDERS:

- [] The Modification of Conditions as Noted Above
[] The Extension of Supervision as Noted Above
[] No Action
[] Other



Signature of Judicial Officer



Date

PROB 49

Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision

**UNITED STATES DISTRICT COURT
for the
DISTRICT OF NEW JERSEY**

RECEIVED

MAY 14 2010

U.S. Probation Office
20 Washington Pl.
Newark, NJ

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By 'assistance of counsel', I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

The defendant shall participate in a mental health treatment program, which may include participation in a treatment program for sexual disorders, as approved by the Probation Department. The defendant shall contribute to the cost of such services rendered and/or any psychotropic medications prescribed to the degree he or she is reasonably able, and shall cooperate in securing any applicable third-party payment. The defendant shall disclose all financial information and documents to the Probation Department to assess his or her ability to pay. As part of the treatment program for sexual disorders, the defendant shall participate in a polygraph examination(s) to obtain information necessary for risk management and correctional treatment.

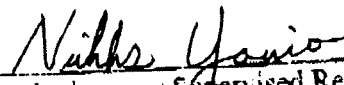
The defendant is not to use a computer, Internet capable device, or similar electronic device to access pornography of any kind. This includes, but is not limited to, accessing pornographic websites, including websites depicting images of nude adults or minors. The offender shall not use his/her computer to view pornography stored on related computer media, such as CD's or DVD's, and shall not communicate via his computer with any individual or group who promotes the sexual abuse of children. The defendant shall also cooperate with the U.S. Probation Department's Computer and Internet Monitoring program. Cooperation shall include, but not be limited to, identifying computer systems, Internet capable devices, and/or similar electronic devices the defendant has access to, and allowing the installation of monitoring software/hardware on said devices, at the defendant's expense. The defendant shall inform all parties that access a monitored computer, or similar electronic device, that the device is subject to search and monitoring. The defendant may be limited to possessing only one personal Internet capable device, to facilitate our department's ability to effectively monitor his/her Internet related activities. The defendant shall also permit random examinations of said computer systems, Internet capable devices, similar electronic devices, and related computer media, such as CD's, under his/her control.

The defendant shall submit his person, residence, place of business, vehicle or any other premises under his control to a search on the basis that the probation officer has reasonable belief that contraband or evidence of a violation of the conditions of release may be found. The search must also be conducted in a reasonable manner and at a reasonable time; failure to submit to a search may be grounds for revocation and the defendant shall inform any other resident that the premises may be subject to search pursuant to this condition.

Witness:


U.S. Probation Officer

Signed:


Probationer or Supervised Releasee

4/19/10
DATE